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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,907	08/07/2003	Ralph Ronneburger	028987.51431	7842

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EXAMINER

KAMEN, NOAH P

ART UNIT PAPER NUMBER

3747

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,907

Applicant(s)

RONNEBURGER ET AL.

Examiner

Noah Kamen

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 10-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/7/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION***Specification***

The disclosure suffers from awkward grammar. A substitute specification, a marked-up copy of the original specification showing the changes, and a statement that the sub-spec. does not contain new matter are necessary. It is not incumbent upon the Examiner to point out each and every necessary change. Most word processors have a grammar checker, which can also measure the readability of documents.

1. The primary objective of technical reporting is to transmit information in a simple, direct and clear manner. The problem of foreign filed applications is that the translation is in nonidiomatic English. Foreign languages are based on entirely different grammatical rules which carry over into literally translated U.S. filed applications. The following are merely examples of problems common to foreign filed applications.

A) It is better to use concrete nouns than abstract nouns.

I.e., The fuel tank was deformed. is better than Fuel deformation was present.

B) Completely superfluous words should be eliminated. I.e., which are, that are, in the case of, it can be seen.

C) Circumlocutions should be avoided. It is better to use fewer words if possible. I.e., use therefore instead of for this reason, because instead of due to the fact that.

D) Indirect expressions: they say things indirectly and weakly rather than directly and vigorously, and they use more words than their direct equivalents. Indirect expressions often begin with There are, There is, It was, It is, Such as/a. For example, The synthetic material is apparently better than the natural. instead of It appears that the synthetic material is better than the natural.

E) **Involved sentences** are difficult to read and understand because the flow of thought is not straightforward. These sentences are often long, made up of a plurality of disjointed clauses, and contain a large number of prepositions, especially the proposition of. **Japanese and German applications are especially prone to this problem.**

F) Sentences that are too long, four or more lines, contain too much information and should be broken up.

G) The passive voice is vague. It is better to use the active voice. I.e., The presence of metals that act as catalyst also accelerates oxidation. instead of Oxidation tendency is also accelerated by the presence of metals that act as catalysts.

H) Avoid vague pronouns such as it, this, one unless the subject for which the pronoun stands for is immediately evident.

I) The extensive use of, i.e., e.g., for example is to be avoided.

The claims could also benefit from editorial polishing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Louzecky et al (2728331). Figure 2 shows bearing journal 14 with a groove 96, oil ducts 92, 94/108, 110 extending to a third bore 90/104 to crankpins 10/11.


Allowable Subject Matter

Claims 2-8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Again, the examiner encourages the applicants to rewrite the claims because the claims retain the grammatical, hence awkward structure, of the German parent application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 703 308 1945. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866/217-9197 (toll-free).


Noah Kamen
Primary Examiner
Art Unit 3747

nk